

SMALL ENTITY DECLARATION

☒ APPLICANT OR PATENTEE KWALIS Qualitätsforschung Fulda GmbH ATTORNEYS
☒ SERIAL NO. 09/937,151 ☐ PATENT NO. DOCKET NO. 2234/50345
☒ FILED ~~OR EXAMINED~~ September 21, 2001 ☐ SUBMITTED HEREWITH
FOR METHOD FOR PRODUCING A POTENTIATED PHARMACEUTICAL PRODUCT

I(we) hereby declare that I(we) am(are) entitled to the benefit of small entity status with respect to the above-identified application or patent for purposes of paying reduced fees under 35 USC 41(a) & (b) to the U.S. Patent and Trademark Office.

☐ A. INDEPENDENT INVENTOR

I(we) qualify as a(n) independent inventor(s) as defined in 37 CFR 1.9(c).

☐ B. INDIVIDUAL NON-INVENTOR

I would qualify as an independent inventor as defined in 37 CFR 1.9(c) if I had made the invention.

☒ C. SMALL BUSINESS CONCERN

I am ☐ THE OWNER ☒ AN OFFICIAL of the small business concern identified below and am empowered to act on behalf of the concern. The concern qualifies under 37 CFR 1.9(d) and 13 CFR 121.3-18. Rights under contract or law have been conveyed to and remain with the concern and are exclusive unless a checkmark is placed here ☐ and another Declaration on behalf of another entity is filed herewith.

☐ NON-PROFIT ORGANIZATION

I am an official empowered to act on behalf of the non-profit organization identified below. The organization qualifies under 37 CFR 1.9(e), sub-section: ☐ (1) ☐ (2) ☐ (3) ☐ (4). Rights under contract or law have been conveyed to and remain with the organization and are exclusive unless a checkmark is placed here ☐ and another Declaration on behalf of another entity is filed herewith.

I(we) acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I(we) hereby declare that all statements made herein of my(our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor _____ Signature _____ Date _____

Name of Inventor _____ Signature _____ Date _____

Name of Inventor _____ Signature _____ Date _____

KWALIS Qualitätsforschung Fulda GmbH
Name of Concern or Organization

Fuldaer Strasse 21, D-36160 Dipperz
Address

By Jürgen Strube
Name of Person Signing

Signature [Signature]

Managing Director
Title

December 21, 2001
Date

UTILITY PATENT
OR DESIGN
SOLE OR JOINT

CROWELL & MORING, LLP
UNITED STATES LETTERS PATENT
DECLARATION AND POWER OF ATTORNEY

ATTORNEY'S DOCKET NO.

2234/50345

As a below named inventor, I declare that I believe I am the original, first and sole inventor if only one name is listed at Item 201 below, or a joint inventor if plural names are listed below at Items 201 et. seq. of subject matter which is claimed and for which a patent is sought for the invention entitled:

METHOD FOR PRODUCING A POTENTIATED PHARMACEUTICAL PRODUCT
which is described and claimed in:

101

☐ the attached specification

☒ the specification in application Serial No. 09/937,151
(for declaration not accompanying application papers)

filed September 21, 2001

and (if applicable) amended on

102

☐ international (PCT) application No.

filed

and as amended on (if any)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56. I hereby claim the benefit of priority, under Title 35, United States Code, §119, of any foreign application(s) for patent or inventor's certificate listed in Item 103 below and have also identified in Item 103 below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application for which priority is claimed.

I hereby claim the benefit, under Title 35, United States Code, §120, of any U.S. application(s) listed in Item 105 below. If this application is a continuation-in-part, insofar as the subject matter of any of the claims thereof is not disclosed in the prior U.S. application(s) identified in Item 105 below in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior U.S. application(s) identified in Item 105 below and the national or PCT International filing date of this application.

FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 (6 if a Design) MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION THE PRIORITY OF WHICH WHERE PERMITTED IS HEREBY CLAIMED UNDER 35 U.S.C. §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES	NO
GERMANY (PCT/DE00/00817)	199 12 933.9	22/March/1999	X	

THIS APPLICATION IS A:

☐ CONTINUATION
☐ DIVISION

☐ CONTINUATION-IN-PART
OF PRIOR U.S. APPLICATION

SERIAL NO.

FILED

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

JAMES F. MCKEOWN
Registration No. 25,406

HERBERT I. CANTOR
Registration No. 24,392

DONALD D. EVENSON
Registration No. 26,160

JOSEPH D. EVANS
Registration No. 26,269

GARY R. EDWARDS
Registration No. 31,824

JEFFREY D. SANOK
Registration No. 32,169

SEND CORRESPONDENCE TO:

CROWELL & MORING, LLP.
P.O. Box 14300
Washington, D.C. 20044-4300

DIRECT TELEPHONE CALLS TO:

202-628-8800

100 201	FULL NAME OF INVENTOR	LAST NAME Strube	FIRST NAME Jürgen	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION D-36157 Ebersburg	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMAN DEX
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Eichendorffstrasse 2, D-36157 Ebersburg, GERMANY		
2-00 202	FULL NAME OF INVENTOR	LAST NAME Stolz	FIRST NAME Peter	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION D-36157 Ebersburg	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMAN DEX
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Giebelrainer Weg 8, D-36157 Ebersburg, GERMANY		
3-00 203	FULL NAME OF INVENTOR	LAST NAME Maier	FIRST NAME Walter	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION D-91560 Weißenbronn	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMAN DEX
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Heckenweg 7, D-91560 Weißenbronn, GERMANY		

204	FULL NAME OF INVENTOR	LAST NAME Gutberlet	FIRST NAME Wolfgang	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION D-36160 Dipperz	STATE OR COUNTRY GERMANY	CITIZENSHIP GERMAN
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Kohlgrunder Weg 1, D-36160 Dipperz, GERMANY		
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION	STATE OR COUNTRY	CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS		
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE CITIZENSHIP	CITY OR OTHER LOCATION	STATE OR COUNTRY	CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS		

(=) Seventh (and more) coinventors on page 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issue thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE December 21, 2001	DATE December 21, 2001	DATE December 21, 2001
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE December 21, 2001	DATE	DATE